

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TERRI LEE MEYER	:	CIVIL ACTION
Plaintiff,	:	NO. 06-117 (SLR)
v.	:	
	:	
PATRICK RYAN, COLLEEN	:	
SHOTZBERGER and GEORGE	:	JURY TRIAL DEMANDED
O'CONNOR	:	
Defendants.	:	

**STIPULATION AND PROPOSED AMENDED SCHEDULING ORDER**

1. The parties in the above-captioned matter, through undersigned counsel, stipulate that discovery in this matter has been ongoing in earnest but requires slightly more time to complete than originally anticipated; and,
2. Accordingly, the parties have stipulated and agreed to respectfully request a brief extension of the case management dates set forth in the Pre-Trial Scheduling Order by approximately 30-40 days; and,
3. The parties understand and agree that in proposing to modify the Pre-Trial Scheduling Order, including the filing of case dispositive motions and accompanying briefs, both the existing Pre-Trial Conference and Trial dates will be forfeited and new dates for both will be assigned only upon resolution of the case dispositive motions; and,
4. The stipulated proposed Amended Scheduling Order is set forth, with amended dates in bold, as follows:

## ORDER

the parties having good cause shown, and having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that this Court's Pre-Trial Scheduling Order shall be AMENDED as follows:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
  2. **Discovery.**
    - (a) Discovery will be needed on the following subjects: § 1983 First Amendment Retaliation Claim and related claims regarding access to the Courts, as set forth in all Counts of the Amended Complaint.
    - (b) All discovery shall be commenced in time to be completed by September 14, 2007.
    - (c) Maximum of 25 interrogatories by each party to any other party.
    - (d) Maximum of 25 requests for admission by each party to any other party.
    - (e) Maximum of 4 depositions by plaintiff and 4 by defendant.
    - (f) Each deposition limited to a maximum of 4 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by August 24, 2007. Rebuttal expert reports due by September 7, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of other Parties, Amendment of Pleadings, and Class Certification.**

All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before March 30, 2007.

**4. Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to the United States Magistrate for the purposes of exploring the possibility of a settlement.

**5. Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before October 5, 2007; answering briefs shall be served and filed on or before November 2, 2007; and reply briefs shall be served and filed on or before November 12, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court. Should all parties agree that filing of summary judgment motions shall be dispensed with, the parties may jointly contact the Court's Chambers to discuss an expedited trial schedule.

**6. Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of

papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine**. All motions in limine shall be filed on or before December 21, 2007. All responses to said motions shall be filed on or before January 4, 2008.

8. **Joint pretrial statement** filed with Court and Chambers, signed by all counsel, by January 18, 2008.

9. **Pretrial Conference**. A pretrial conference will be scheduled at the convenience of the Court in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

10. **Trial**. This matter will be scheduled for a 3 day jury trial at the convenience of the Court in courtroom 6B, sixth floor, J. Caleb Boggs Federal Building, 844 King Street, Wilmington, Delaware

**SO ORDERED:**

Date: \_\_\_\_\_

SUE L. ROBINSON, JUDGE

SO STIPULATED AND AGREED BY THE PARTIES:

GEORGE O'CONNOR, PATRICK  
RYAN, COLLEEN SHOTZBERGER

TERRI LEE MEYER

/s/Ophelia M. Waters

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